HIGH COURT OF UTTARANCHAL AT NAINTAL

Criminal Misc. Application No. 368 of 2005

1. Pradeep Walia s/o Sri Garib Das
   49 Race Course, P.S. Dalanwala, Dehradun
2. Shammi S/o Laxman Das Virmani r/o Prem Nagar
   P.S. Cantt. Dehradun

.....Applicant

Versus

1. State of Uttaranchal
2. Judicial Magistrate, C.B.I. Dehradun
3. Anjana Uniyal w/o Pradeep Walia
   43 Vasant Vihar, Dehradun .... Respondents

Criminal Misc. Application No. 553 of 2006

1. Pradeep Walia s/o Sri Garib Das
   49 Race Course, P.S. Dalanwala, Dehradun

.....Applicants

Versus

1. Presiding Judge, Family Court, Dehradun
2. Anjana Uniyal w/o Pradeep Walia
   43 Vasant Vihar, Dehradun .... Respondents

Criminal Misc. Application No. 290 of 2004

1. Smt. Hemlata Walia w/o Pradeep Walia
2. Pradeep Walia S/o Sri Grib Das
   49 Race Course, P.S. Dalanwala, Dehradun
3. Bindu Singh w/o Harpal Walia, 49 Race Course, P.S. Dalanwala, Dehradun .....Applicants

Versus

1. State of Uttaranchal
2. Judicial Magistrate, C.B.I. Dehradun
3. Anjana Uniyal w/o Pradeep walia
   43 Vasant Vihar, Dehradun
4. Additional District Judge, First F.T.C. Dehradun

..... Respondents

Dated: 11.12.2006

Hon'ble Rajesh Tandon, J.

By the Criminal Misc. Application No. 368 of 2005, the applicants have prayed for quashing of the entire proceedings and summoning order of Criminal Complaint case No. 485 of 2003 under section 452, 504, 506 I.P.C. pending in the court of Judicial Magistrate C.B.I. Dehradun.

By the criminal Misc. Application No. 553 of 2006, the applicant has prayed for quashing of the entire proceedings and summoning order of Criminal Complaint case No. 199 of 2003 under sections 125 and 125(6) Cr.P.C. pending it the court of Judge, Family Court, Dehradun.

By the third Criminal Misc. Application No. 290 of 2004, the applicants have prayed for quashing of the entire proceedings and summoning order of Criminal Complaint case No.431 of 2003 under sections 452, 504, 506 I.P.C. pending in the court of Judicial Magistrate C.B.I. Dehradun.

Heard Sri Navneet Kaushik for the applicants and Sri Hari Mohan Bhatia and A.G.A. for the respondents.

In all these three cases, the parties filed compromise application supported by affidavits and has prayed that the parties have entered into compromise, therefore, proceedings pending before the trial Court be quashed.

In view of the compromise application filed by the parties the matter is sent to the trial court concerned with the direction that either the complainant be permitted to withdrew the complaint under Section 257 Cr. P.C. or the compromise be made effective by applying the provisions of bargaining under section 265A Cr. P.C.

Parties are directed to appear before the trial Court on 15th January 2007. Parties have agreed that the applicants no. 1 and 3 who are ladies in Criminal case No. 290 of 2004 may not be required to appear if the complaint by way of the compromise is going to be withdrawn as the parties are going to settle their disputes. However, further proceedings in all the criminal cases between the parties shall remain stayed till 15th January 2007. In case of failure, parties will furnish their personal bonds.

Accordingly, all three applications under section 482 Cr. P.C. are disposed of.

Rajesh Tandon, J.

Dated 11.12.2006

***Dhyani**